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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------------------------------------------|-------------|----------------------|-----------------------------|------------------|
| 10/065,477 | 10/22/2002 | Werner Diez | P6862.2US | 5663 |
| 30008 | 7590 | 11/03/2004 | | |
| GUDRUN E. HUCKETT DRAUDT LONSSTR. 53 WUPPERTAL, 42289 GERMANY | | | EXAMINER ZEADE, BERTRAND | |
| | | | ART UNIT 2875 | PAPER NUMBER |

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 10/065,477 | Applicant(s) DIEZ ET AL. | |
| | Examiner Bertrand Zeade | Art Unit 2875 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15/07/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macher et al. (U.S.6286983) in view of Skiver et al. (U.S.6501387).

Macher ('983) discloses a mirror having an illuminated film for signaling and general illumination having:

Regarding claim 1, a frame (34) having a frame opening and defining an interior of the interior light assembly, at least one lens (col. 4, lines 51-54) connected to the frame (34) and filling out the film opening. At least one illumination element (4) and at least one EL film (5) arranged within the area of the frame opening behind the at least one lens (col. 4, lines 51-54) in the interior of the interior light assembly (1), so that the light emitted by the at least one illumination element (5) and the at least one electroluminescent film (5) passes from the interior through the at least one lens arranged the frame opening for illuminating a vehicle interior.

Regarding claim 2, the at least one electroluminescent film (5) is attached to a backside of the at least one lens facing the interior of the interior light assembly (1).

Regarding claim 3, the at least one electroluminescent film (5) has a contour identical to a contour of the at least one lens (col. 4, lines 51-54).

Regarding claim 4, the frame (34) surrounds the at least one lens (col. 4, lines 51-54).

Regarding claim 7, the first lens for the at least one illumination element (7) has a backside facing the interior of the interior light assembly (1) and provided at least partially with at least one optic or reflector (18).

Regarding claim 8, the at least one optic (18) is comprised of serrations or corrugations.

Marcher ('983) does not disclose using both EL and one illumination element as recited in claim 1.

Further, Skiver ('387) discloses a rearview mirror assembly with added feature modular display.

However, Skiver ('387) discloses using multiple lighting sources (EL, LED, incandescent) for interior vehicle lighting.

Regarding claim 5, a first one of the at least one lens (42b) is correlated with the at least one illumination element (col. 13, lines 31-35) and a second one of the at least one lens (42b/39b) is correlated with the at least one electroluminescent film.

Regarding claim 6, the first lens (42b/39b) for the at least one illumination element is smaller than the second lens for the at least one electroluminescent film (col. 13, lines 31-35).

Regarding claim 9, the at least one illumination element is an incandescent light bulb (col. 13, lines 31-35).

It would have been obvious to use the two different light sources of Skiver ('387) for the mirror assembly of Marcher ('983).

The motivation for doing so is to provide both general illumination (so that maps can be read) and information displays which provide information to the driver or occupants of the vehicle such as warnings relating to the status of the passenger airbag.

Response to Arguments

3. Applicant's arguments filed 15/07/04 have been fully considered but they are not persuasive.

4. Applicant argues that the only teaching to be derived from skiver et al. is that illumination of the vehicle interior is to be established by way of two separate light assemblies (42).

5. In response to Applicant's arguments, Skiver et al. does not cite in (col. 15, lines 55ff) two separate light assemblies, but a pair of light assemblies.

6. Applicant further argues that a combination of the teaching of Macher et al. and Skiver et al. would at most lead to providing the EL-base lighting element (4) of Macher et al. so as to surround the light assembly (42) of Skiver et al.

7. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

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where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as Macher et al. and Skiver et al. are analogous art, and it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

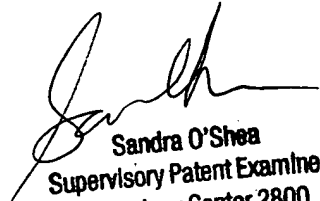
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 571-272-2387. The examiner can normally be reached on 9:30 AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bertrand Zeade
Examiner
Art Unit 2875



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800